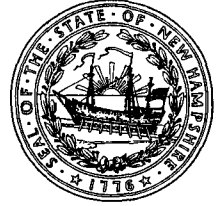




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2005-026**

September 19, 2005

Stanley and Karen Graton  
PO Box 183  
Holderness, NH 03245

RE: DES Wetlands File #2005-00844 Howe Road, Holderness

Dear Mr. and Ms. Graton:

On May 16, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Holderness Tax Map 239 as Lot 26 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 75' of an intermittent stream had been diverted without a permit from DES;
2. The inlet to the pond had been maintenance dredged without a permit from DES;
3. Approximately 3,000 square feet of forested wetland had been disturbed from earth-moving activities from the area of the created stream channel north to the tree-line.

In response, you are requested to take the following actions:

1. By September 30, 2005, submit a restoration plan to DES to:
  - a. Restore the intermittent stream channel to its natural thread;
  - b. Remove the dredge spoils at the outlet to the driveway culvert (adjacent to the pond); and
  - c. Revegetate the forested wetland in the area of 3., above.
2. Complete the restoration only after receiving written approval from DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at [lmagoon@des.state.nh.us](mailto:lmagoon@des.state.nh.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over the word "COPY" which is printed in large, bold, black capital letters.

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 70040 750 0001 2419 2936

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Holderness Conservation Commission  
Holderness Board of Selectmen  
USACOE